

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Karunesh K Khanna v Sweta Patel**
Docket No. **263983**
L.C. No. **00-019005-DO**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed July 21, 2005, is DISMISSED for lack of jurisdiction because the November 1, 2004 order is a postjudgment order that does not affect the custody of a minor. MCR 7.202(6)(a)(i), MCR 7.202(6)(a)(iii) and MCR 7.203(A)(1). The 2002 judgment of divorce is the MCR 7.202(6)(a)(i) final order. Even if somehow the November 1, 2004 order was a final order, the claim of appeal would be required to be dismissed since the claim was not filed within 21 days of the June 29, 2005 entry of the order denying the motion to set aside the November 1, 2004 order. The appellant could not extend further the time period for filing the claim of appeal by filing a motion for reconsideration of the June 2005 order because such a motion was not filed within the initial 21-day appeal period of November 2, 2004 to November 22, 2004. As a result, appellant may challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 10 2005

Date

Sandra Schultz Mengel
Chief Clerk